

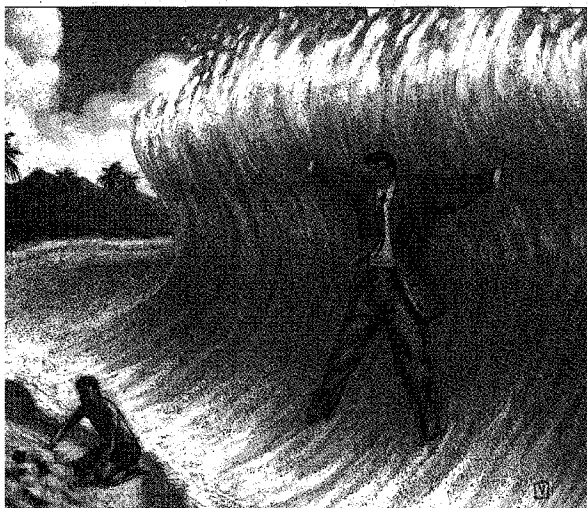
Paradise in the Making

Hawaii strengthens its child protective services system

BY FAYE T. KIMURA

Hawaii has not been spared from the national trend of increasing reports of child abuse and neglect. True to its reputation, however, Hawaii can claim to offer a child protection system that is a comparative "paradise" when measured against many other jurisdictions.

That was not always the case.



In the late 1980s, Hawaii's Department of Human Services experienced a severe crisis in morale and staffing levels for child protective services.

In 1989, the state commissioned a study of its foster care system. The report from this study identified Hawaii's failure to obtain federal matching funds for its foster care system under Title IV-E of the Social Security Act.

(To qualify for matching funds, a state must provide a number of very specific protections for families and children, including reasonable efforts to preserve families, and avoid unnecessary and prolonged foster care.)

The study also determined that Hawaii lacked a unified system of foster care, that the role of foster parents needed enhancement, and that the state overutilized foster care

both in the number of placements and in the length of time children spent in foster care.

The report was taken seriously. The Hawaii Legislature adopted the Child Protective Act, which has provided the framework for improvements in the state's child protective services system in recent years.

Now, although Hawaii's child protective services system is still far from ideal, it is acquiring many features that should exist in all states, but which are appallingly lacking in most:

Families Together Initiative. Based on the "home builders" model that originated in the state of Washington, the program seeks to reduce foster home placement of children by providing intensive in-home services to families of children at risk of immediate out-of-home placement or in need of reunification services.

Hawaii's program is unique in its interagency approach, and in its centralized monitoring and allocation of services.

The financial benefits to the state are significant. The approximate cost of the program per family served is \$4,200, about half the annual per child cost of foster care payments.

Judicial Pretrial Assistant Program. To reduce court backlogs and to facilitate settlement of disputed issues, cases may be referred to a Judicial Pretrial Assistant (JPA) for mediation. The JPA is an unpaid volunteer who is trained in child protective matters and in mediation. Foster parents and nonparty relatives may participate, if necessary.

Children's Advocacy Center. The center provides a supportive setting in which children who are believed to be victims of sexual abuse can be interviewed and helps to minimize the number of interviews. The center also assists the children throughout court proceedings and coordinates the efforts of all other agencies involved in the process.

Volunteer Guardian Ad Litem Program. The unique aspect of

Hawaii's program is that it is run by the judiciary, which gives the volunteer guardians ad litem extensive training and support. The volunteers have very small caseloads and see their wards about once a month, often resulting in a very high-quality work product that has drawn praise from court personnel.

Paid Court-Appointed Attorneys. Hawaii pays attorneys who are appointed to serve as either counsel for parents involved in child protective cases or as guardians ad litem of children.

The fee is nominal—\$60 per hour for in-court time and \$40 per hour for out-of-court work—but many other jurisdictions do not pay court-appointed attorneys at all.

Court Participation by Foster Parents. Foster parents are allowed to participate as parties in court proceedings. In addition, the Hawaii Department of Human Services is required to serve notice of review hearings on the foster parents with whom a child currently resides. If notice is not served, the hearing will not be held.

Visitation Center. Recognizing that inadequate visitation arrangements between parents and children removed from their custody critically affects the discharge of children from foster care, Hawaii has established a visitation center where children and their parents can visit each other several times a week in a safe setting.

Hawaii's rapid progress in the child protective services area is the result of many factors, including a relatively contained and stable population with a strong family orientation, a responsive judiciary and legislature, and an active core group of attorneys who devote a significant portion of their practices to cases in this area.

Unfortunately, practitioners in this area are often looked upon as the poor stepchildren of the bar. Most attorneys avoid taking child abuse cases because of their tremendous complexities and the poor remuneration for services.

Nevertheless, because this area of practice attempts to stem family deterioration and to affect positively the future of children and families in a very fundamental way, it is among the most important kinds of work an attorney can do. ■

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